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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,407	08/02/2001	Dwip N. Banerjee	AUS9-2001-0412-US1	5870

7590 09/15/2004

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EXAMINER

SWARTHOUT, BRENT

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 09/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/920,407

Applicant(s)

BANERJEE ET AL.

Examiner

Brent A Swarthout

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 2636

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5 and 9-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Schuyler.

Schuyler discloses a computer implemented method of alerting a remotely located vehicle owner of a situation requiring intervention comprising detecting receipt of an external message to an onboard IP address (col.4, lines 51-59), locating an owner IP address (col.6, lines 11-15), and forwarding a message of intervention required to an owner address (col. 5, lines 54-57; col.5, line 64- col.6, line 22).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-8, 11-17, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuyler in view of Joao.

Joao discloses a internet notification system whereby a remote owner can communicate by phone or IP address with a vehicle to determine vehicle

Art Unit: 2636

conditions, and have that data transmitted back to the owner or to a third party (col. 7, lines 21-25; col. 8, lines 5-8; col.9, lines 56-64; col.26, lines 30-35; col.31, lines 55-65; col.39, lines 1-9; col.44, lines 33-44).

It would have been obvious to use telephone or PDA communication as suggested by Joao in conjunction with a system as disclosed by Schuyler in order to communicate with an owner or remote location with communication tools that would have been portable, in case an individual had to move from a computer for a period of time.

Regarding claim 12, Joao teaches desirability of having an owner send a message to a vehicle, which can send a response message to a third party (col.44, line 34).

Regarding claim 13, Joao teaches verification of message (col. 20, lines 7-11).

Regarding claim 14, choosing to keep sending a message until verification was received would have been obvious, in order to make sure a system was operating properly.

Regarding claims 23 and 24, choosing to use verification of signal transmission to a third party would have been obvious for the same reasons it was used with respect to a second party in Joao, to make sure signals were properly received to increase system integrity.

5. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuyler in view of Joao and Obradovich et al.

Art Unit: 2636

Obradovich teaches desirability of providing transmissions to particular vehicles using vehicle identification numbers (abstract).

It would have been obvious to use transmissions to vehicles using VIN or equivalent numbers, such a license plate number, since these numbers would have provided specific transmissions to particular vehicles of interest, using numbers uniquely assigned to the particular vehicle of interest.

6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schuyler in view of Joao, Obradovich et al. and Lioy.

Lioy teaches desirability of using a Push mechanism for sending transmissions to vehicles (col. 3, lines 1-4).

It would have been obvious to use Push services with a system as disclosed by Schuyler, Joao and Obradovich, in order that a user could have received information without having to actively retrieve data from a home network.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Murphy, Nathanson and Kaneko disclose vehicle condition notification systems.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent A Swarthout whose telephone number is 571-272-2979. The examiner can normally be reached on M-F from 6:30 to 4:00.

Art Unit: 2636

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass, can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Brent A Swarthout
Examiner
Art Unit 2636

**BRENT A. SWARTHOUT
PRIMARY EXAMINER**